

JEFFERSON COUNTY COMMISSIONERS
COURTHOUSE, BOX H
BOULDER, MT 59632
PHONE 406-225-4025
FAX 406-225-4148

KEN WEBER, CHAIR

CHUCK NOTBOHM

TOM LYTHGOE

**PROCEEDING OF THE BOARD OF COMMISSIONERS
COUNTY OF JEFFERSON, STATE OF MONTANA
May 29, 2007**

Present: Commissioner Lythgoe, Notbohm and Weber; Harold Stepper and Mike Hoffman, County Planners; Joe Carter, Road Foreman; Jan Anderson, *Boulder Monitor/Jefferson County Courier*; Ernie Kennison, Bob Marks, Joe Schmaus, Patty Hamblock, John Trudnowski, Gina Osello, Shawn Hoagland

MINUTES

Commissioner Weber moved to adopt the minutes of March 27. Commissioner Lythgoe seconded. The motion carried.

Commissioner Weber moved to adopt the minutes of April 10. Commissioner Notbohm seconded. The motion carried.

Commissioner Weber moved to adopt the minutes of April 24. Commissioner Notbohm seconded. The motion carried.

Commissioner Weber moved to adopt the minutes of May 8. Commissioner Lythgoe seconded. The motion carried.

CALENDAR REVIEW

- 5/30 Meeting with Extension staff - Whitehall - 10:00
- Great West Engineering - pre-bid for South Hills RID - 10:30
- Meet with Lewis and Clark County residents re: South Hills Drive - 1:00
- Meeting with Personnel Officer and Salty Payne - 3:00
- 5/31 Meet at Whitehall Ranger Station and tour roads in Beaverhead-Deer Lodge - 9:00

COMMISSION REPORTS

MEETING WITH CITY OF HELENA

Commissioner Weber stated that the Commissioners, Matt and Harold were supposed to meet with City of Helena staff. A public meeting will be scheduled to get the public's input on the jurisdictional area. Commissioner Lythgoe stated that there was a zoning commission meeting later in the week, and this was discussed. The zoning commission was pretty adamant that Jefferson County not come up with the plan, but that it be up to the City of Helena. The zoning commission also agree that there needs to be a public meeting to hear from the residents.

JLDC AD HOC COMMITTEE

Commissioner Notbohm reported that the JLDC Ad Hoc Committee met on the 24th. They discussed the relationship between the County, JLDC and MSU. They are making good progress.

MTAG

Commissioner Lythgoe reported that MTAG is getting reorganized after the re-opening of Tunnels. The management is extremely positive regarding the future of Tunnels. They are still pursuing a permit for the next phase, which is going slowly. It is not necessarily DEQ that is holding up the process, but the contractor DEQ has hired to do the EIS.

SUBDIVISION REVIEW

PRELIMINARY PLAT APPROVAL - JEFFERSON ACRES MAJOR SUBDIVISION

Mike Hoffman, County Planner, presented his staff report regarding this major subdivision south of Whitehall with 25 lots ranging in size from 2.216 to 4.115 acres. Lots will have individual wells and septic systems. Parkland dedication is required, and the developer has decided to do a combination of cash-in-lieu and dedication of .693 acre for a common area. Mike stated that the Planning Board has recommended that approval be granted with amendments regarding horse density and requirement of a turn-out for a school bus. Mike then recommended that preliminary plat approval be granted.

Commissioner Weber asked about the parkland dedication being referred to as a common area. Mike stated that the plat specifies a common area, the law specifies "parkland". The thought is to use the area as a horse arena. Also, there are state lands behind this, and this will provide a thoroughfare. Commissioner Lythgoe asked if there are two points of ingress/egress. Mike stated that there are.

The engineers for the project gave a powerpoint presentation and discussed water availability. They do not feel that the subdivision will have a significant impact on the aquifer. Commissioner Notbohm asked how deep the test wells are and their output. John stated that the test wells came in at 8 and 10-gallons-per-minute. Commissioner Lythgoe stated that he appreciated the presentation, which had very good information. He said that he would like to see this with all major subdivisions.

Commissioner Lythgoe moved to grant preliminary plat approval. Commissioner Notbohm seconded. The motion carried.

DISCUSS EMERGENCY ACCESS FROM OHIO GULCH TO SHEEP MOUNTAIN 1, 2, 3 AND 4 SUBDIVISIONS

Harold Stepper, County Planner, stated that this has been brought forward by the BLM. In the preliminary plat approval documents, it was discussed that Sheep Mountain Road would be brought up to county standards, but there is no mention of Ohio Gulch. He and Joe Carter went out to view the road and they recommend that rather than improving the road, it just be given a slight improvement and a berm for icy conditions. This would discourage an increase of 4-wheeler traffic. This needs to be clarified for the process the developer is going through with the BLM.

Bob Marks stated that he appreciates the opportunity to comment. There has been a lot of interest in the development. As for the variance to change the original conditions, he feels that it is probably a good idea to do this. The BLM has previously used the area as a pilot program for fire mitigation and game habitat, while at the same time reducing vehicle travel. There has been a lot of interest in the area to try to keep it in a native state as much as possible. He feels that this proposal is a good one. He talked to Rick Hotaling at the BLM before this meeting. There will be a public meeting held in Clancy on June 14th. Bob stated that he feels that the Commission should hold off on a decision until after the public meeting. This will give better visibility to the Commission's decision.

Commissioner Weber asked if this is a variance request. Harold stated that this is not a variance request. Basically, the preliminary plat documents didn't mention Ohio Gulch. After looking at it, he feels that it should be given a variance. Commissioner Weber asked if there is a written variance request. Harold answered not at this time; he felt that they should discuss it first. Commissioner Weber stated that he agrees with Mr. Marks; they should wait until after the 14th. Commissioner Lythgoe stated that the only comment he has is that it makes sense to do this, if, in fact, the project goes forward.

Joe Schmaus stated that he has not made any official request for a variance. He thought that this matter was resolved as Harold stated nothing in the county specifications regarding emergency fire access. Again, the request for a variance is not from anyone in his organization. He is under the assumption that this emergency access is like others and not required to come to county specifications. They have no intention to deviate from the original plans. Joe stated that he is a little alarmed to see this brought forth as a variance as he did not request it. The public meeting on the 14th is a BLM meeting, and not to deal with this topic. There are currently 47 people that have expressed concern with this project, and if this is brought forward at that meeting, it will only add more fuel. Commissioner Weber stated that the meeting on the 14th is not the Commission's meeting, but they have been asked to attend and will listen to the public's input before they make a decision. Joe stated that he feels that all of this had been dealt with at preliminary plat. Commissioner Weber asked Joe if it is his contention that Ohio Gulch needs no improvement. Joe answered that this is not his contention at all. At the road meeting he

attended, he stated that they would improve Ohio Gulch and then invite the fire department to come up and review and approve the road. He stated that he would also remind the Commission that Ohio Gulch is currently a public road. Commissioner Notbohm stated that Mr. Frasier called him last week and stated that he would be in Montana until the 12th, and asked if he would be able to attend the meeting. Joe stated that he believes that it is Mr. Frasier's plan to be here for the meeting. Commissioner Notbohm stated that they already have preliminary plat approval; he doesn't feel that this issue has anything to do with that meeting, they are two different issues. The BLM is required to have the meeting due to their process.

Commissioner Weber asked Harold why this item is on the agenda. Harold stated that the BLM brought this forward. They realize that Sheep Mountain Road needs to be brought to county standards, but they are not sure about Ohio Gulch. This clarification is for them, and why he put this on the agenda; so that they can go forward with their plan. Commissioner Weber asked if the fire department has been approached. Bob Marks stated that he is not sure if they have been contacted, but a couple of weeks ago there was a lightening strike and the fire department was up and down the road in question with no problem. Joe stated that the fire department signed off on the preliminary plat documents and he has discussed this with the fire chief. Commissioner Weber stated that they are aware of this. He asked Harold to prepare written documents for the Commission to consider, and noted that this will be on the agenda again after the BLM meeting on the 14th.

ITEMS FOR COMMISSIONERS ACTION OR REVIEW

OPEN AND AWARD BANKING SERVICES BID

Commissioner Weber noted that two bids were received for the banking services contract, one from First Boulder Valley Bank and one from Rocky Mountain Bank in Whitehall. Commissioner Lythgoe recommended that these be forwarded to the Clerk and Recorder for her review and recommendation, and to wait to award the bid at the following meeting.

SIGN BOYD ANDREW SERVICE AGREEMENT

Commissioner Lythgoe moved to sign the agreement for Boyd Andrew to use the County's alcohol tax money. Commissioner Notbohm seconded. The motion carried. Commissioner Notbohm stated that he would recommend that it be public knowledge what amount is being expended, and would request that we get that figure from Boyd Andrew. Commissioner Weber stated that we won't have the figure until fiscal year 2008, as the money comes from the sale of alcohol the previous year.

OPPORTUNITY FOR PUBLIC COMMENT

Bob Marks asked about the timber blow-down outside of Boulder. He stated that he has heard that the Forest Service is putting the timber up for sale. He noted that this is a county road, and asked who owns the timber. He suggested that the Commission might want to call the Forest Service. Commissioner Lythgoe agreed that this is a really important issue. Commissioner Weber noted that the Commissioners would be meeting with the Forest Service on Thursday.

Commissioner Lythgoe moved to adjourn. Commissioner Notbohm seconded. The motion carried.

MEETING ADJOURNED

ATTEST:

**BONNIE RAMEY
CLERK AND RECORDER**

KEN WEBER, CHAIR

TOMAS E. LYTHGOE, COMMISSIONER

CHUCK NOTBOHM, COMMISSIONER